

Remarks/Arguments

In the Notice of Non-Compliant Amendment (37 CFR 1.121) dated April 8, 2004, concerning the above-identified patent application, the Examiner correctly indicated that a complete listing of all of the claims (including the previously canceled claims) was not present. In the attached Appendix A, applicants have included a Listing of Claims for the present application that should be substituted for the Listing of Claims (i.e., pages 2 to 4) presented in the Amendment filed on April 1, 2004.

While reviewing the file for the present application, applicants' representative has discovered that Examiner Corbin made a mistake in the Office Action dated October 29, 2003, in that he included claims 94 to 96 among the claims that were withdrawn from consideration due to the restriction requirement. This is clearly incorrect since claims 94 to 96 were part of Group II of the restriction requirement and were expressly elected by applicants in the Response to Restriction Requirement dated August 14, 2003. Accordingly, applicants plan to file another Amendment in the near future that will contain claims that are directed to the subject matter of now canceled claims 94 to 96. It is respectfully submitted that all of the currently pending claims 129 to 142 are: (1) consonant with Group II of the restriction requirement, and (2) read on the elected species (chewing gum).

Applicant believes that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 04289-00120-USCON from which the undersigned is authorized to draw.

Dated: April 12, 2004

Respectfully submitted,

By 

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Enclosure: Appendix A – replacement pages 2 to 4 for Amendment filed April 1, 2004

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